

NOT FOR PUBLICATION

OCT 10 2007

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

MONICA RUBI SANCHEZ-VAZQUEZ,

Petitioner,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 07-71560

Agency No. A95-451-078

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 1, 2007***

Before: B. FLETCHER, BERZON and IKUTA, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA") denial of a motion to reopen its decision affirming the immigration judge's denial of cancellation of removal.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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The motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

Respondent's motion for summary disposition is granted because the BIA did not abuse its discretion determining that petitioner's motion to reopen, filed almost eight months after the BIA's final order of removal, was untimely. *See* 8 U.S.C. § 1229a(c)(7) (motion to reopen must be filed within 90 days of final administrative order); *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003) (denials of motions to reopen reviewed for abuse of discretion).

In addition, petitioner's equal protection and due process challenge to the Nicaraguan Adjustment and Central American Relief Act is foreclosed. *See Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 602-03 (9th Cir. 2002); *Hernandez-Mezquita v. Ashcroft*, 293 F.3d 1161, 1165 (9th Cir. 2002). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.